

Dated: January 30, 1995.

**Gloria Parker,**

*Director, Information Resource Group.*

### Office of Postsecondary Education

*Type of Review:* Expedited

*Title:* William D. Ford Federal Direct Loan Program Participation Application

*Frequency:* Annually

*Affected Public:* Business or other for-profit; Not-for-profit institutions

*Reporting Burden:*

Responses: 3,000

Burden Hours: 600

*Recordkeeping Burden:*

Recordkeepers: 0

Burden Hours: 0

*Abstract:* This form will be the means by which a school applies to participate in the William D. Ford Federal Direct Loan Program. The Department will use this information to select schools to participate in the Direct Loan Program during the 1996-1997 school year.

*Additional Information:* Clearance for this information collection is requested for February 6, 1995. An expedited review is requested due to the publication of a draft of the form soliciting applications. To comment on this form, please refer to the "Notice of Solicitation of Applications" In the December 29, 1994 **Federal Register** issue, volume 59, pages 67579-67582.

[FR Doc. 95-2646 Filed 2-2-95; 8:45 am]

BILLING CODE 4000-01-M

### Office of Postsecondary Education; Federal Work-Study Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of the closing date for institutions to submit a request for a waiver of the requirement that an institution shall use at least 5 percent of the total amount of its Federal Work-Study (FWS) Federal funds granted for the 1994-95 award year to compensate students employed in community service jobs.

**SUMMARY:** The Secretary gives notice to institutions of higher education of the deadline for an institution to submit a written request for a waiver of the requirement that an institution shall use at least 5 percent of its total FWS Federal funds granted for the 1994-95 award year (July 1, 1994 through June 30, 1995) to compensate students employed in community service jobs.

**DATES:** Closing Date for Submitting a Waiver Request and any Supporting Information or Documents. An institution that would like to request a

waiver of the requirement that an institution use at least 5 percent of the total amount of its FWS Federal funds granted for the 1994-95 award year to compensate students employed in community service jobs, must mail or hand-deliver its waiver request and any supporting information or documents on or before March 6, 1995. The Department will not accept a waiver request submitted by facsimile transmission. The waiver request must be submitted to the Campus-Based Programs Financial Management Division at one of the addresses indicated below.

**ADDRESSES:** Waiver Request and any Supporting Information or Documents Delivered by Mail. The waiver request and any supporting information or documents delivered by mail must be addressed to Carolyn Short, Financial Management Specialist, Fund Control Branch, Campus-Based Programs Financial Management Division, Accounting and Financial Management Service, Student Financial Assistance Programs, U.S. Department of Education, Room 4621, Regional Office Building 3, 600 Independence Avenue, S.W., Washington, D.C. 20202-5452. An applicant must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a commercial carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If a waiver request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office.

An institution is encouraged to use certified or at least first class mail. Institutions that submit waiver requests and any supporting information or documents after the closing date will not be considered for a waiver.

*Waiver Requests and any Supporting Information or Documents Delivered by Hand.* A waiver request and any supporting information or documents delivered by hand must be taken to Carolyn Short, Financial Management Specialist, Fund Control Branch, Campus-Based Programs Financial Management Division, Student Financial Assistance Programs, U.S.

Department of Education, Room 4621, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. Hand-delivered waiver requests will be accepted between 8:00 a.m. and 4:30 p.m. (Eastern time) daily, except Saturdays, Sundays, and Federal holidays. A waiver request for the 1994-95 award year that is delivered by hand will not be accepted after 4:30 p.m. on the closing date.

**SUPPLEMENTARY INFORMATION:** Under section 443 (b)(2)(A) of the Higher Education Act of 1965, as amended (HEA), an institution must use at least 5 percent of the total amount of its FWS Federal funds granted for an award year to compensate students employed in community service, except that the Secretary may waive this requirement if the Secretary determines that enforcing it would cause hardship for students at the institution. The institution must provide a written waiver request and any supporting information or documents by the established March 6, 1995 closing date. The waiver request must be signed by an appropriate institutional official and above the signature the official must include the statement: "I certify that the information the institution provided in this waiver request is true and accurate to the best of my knowledge. I understand that the information is subject to audit and program review by representatives of the Secretary of Education." If the institution submits a waiver request and any supporting information or documents after the closing date, the request will not be considered.

To receive a waiver, an institution must demonstrate that the 5 percent requirement would cause hardship for students at the institution. To allow flexibility to consider factors that may be valid reasons for a waiver, the Secretary is not specifying specific circumstances that would support granting a waiver. However, the Secretary does not foresee many instances in which a waiver will be granted. The fact that it may be difficult for the institution to comply with this provision of the HEA is not a basis for granting a waiver.

### Applicable Regulations

The following regulations apply to the Federal Work-Study program:

(1) Student Assistance General Provisions, 34 CFR part 668.

(2) Federal Work-Study Programs, 34 CFR part 675.

(3) Institutional Eligibility Under the Higher Education Act of 1965, as amended, 34 CFR part 600.

(4) New Restrictions on Lobbying, 34 CFR part 82.

(5) Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 34 CFR part 85.

(6) Drug-Free Schools and Campuses, 34 CFR part 86.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Short, Financial Management Specialist, Fund Control Branch, Campus-Based Programs Financial Management Division, Accounting and Financial Management Service, Student Financial Assistance Programs, U.S. Department of Education, Room 4621, Regional Office Building 3, 600 Independence Avenue, S.W., Washington, D.C. 20202-5452, Telephone (202) 708-7741. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

(Authority: 42 U.S.C. 2756(b)).  
(Catalog of Federal Domestic Assistance Number: 84.033 Federal Work-Study Program)

Dated: January 31, 1995.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 95-2712 Filed 2-2-95; 8:45 am]

BILLING CODE 4000-01-P

### **Arbitration Panel Decision Under the Randolph-Sheppard Act**

**AGENCY:** Department of Education.

**ACTION:** Notice of arbitration panel decision under the Randolph-Sheppard Act.

**SUMMARY:** Notice is hereby given that on February 3, 1992, an arbitration panel rendered a decision in the matter of *Karla Todd v. Alabama Division of Rehabilitative Services*, (Docket No. R-S/90-4). This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d-1(a) upon receipt of a complaint filed by Karla Todd on June 13, 1990. The Randolph-Sheppard Act creates a priority for blind individuals to operate vending facilities on Federal property. Under this section of the Randolph-Sheppard Act (the Act), a blind licensee dissatisfied with the State's operation or administration of the vending facility program authorized under the Act may request a full evidentiary hearing from the State licensing agency (SLA). If the licensee is dissatisfied with the State agency's decision, the licensee may complain to the Secretary, who is then required to convene an arbitration panel to resolve the dispute.

**FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U. S. Department of Education, 600 Independence Avenue, S.W., Room 3230 Switzer Building, Washington, D.C. 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 107d-2(c) of the Randolph-Sheppard Act, the Secretary is required to publish a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal property.

### **Background**

Karla Todd is a blind vendor licensed by the Alabama Division of Rehabilitative Services, the SLA under the provisions of the Act. On September 20, 1989, Ms. Todd attended a meeting of blind vendors from the Mobile area. At this meeting, the agenda provided for the election of a committee representative for the Committee of Blind Vendors, pursuant to 34 CFR 395.14, which states that the SLA shall provide for the biennial election of a State Committee of Blind Vendors.

At the September meeting, complainant was one of the two candidates nominated for committee representative. A vote was held that resulted in a three to three tie. A second run-off election was held with the same result. A special meeting of blind vendors to resolve the matter was called for October 4, 1989. Prior to the meeting the candidate opposing complainant withdrew.

The SLA sent a letter to the vendors announcing the October 4 meeting, explaining the problem regarding the election on September 20, and stating that the only purpose of the meeting would be to elect a member of the State Committee of Blind Vendors.

Ten vendors attended the October 4, 1989 meeting, including the complainant. Ms. Todd was again nominated along with another vendor. The other vendor received the majority of the votes and was elected to the committee.

Ms. Todd subsequently challenged the candidacy of the vendor elected at the October 4, 1989 meeting, stating that she should have won the election by default when the previous vendor who had received a tie vote with complainant withdrew her candidacy prior to the October 4th meeting. She asserted that proper procedures under the rules and regulations of the Alabama

Randolph-Sheppard vending program had not been followed.

Karla Todd requested and received an administrative review with respect to the matter. The SLA upheld the election of the new candidate. Subsequently, complainant requested a full evidentiary hearing.

On March 19, 1990, an evidentiary hearing was held in Montgomery, Alabama. The hearing officer ruled that Ms. Todd's objections were without merit. Subsequently, Ms. Todd appealed this ruling to a Federal arbitration panel, which held a hearing on September 27, 1991.

### **Arbitration Panel Decision**

The issue before the panel was whether the process followed by the SLA on September 20 and October 4, 1989 was consistent with the State rules and regulations governing the day-to-day operations of the Business Enterprise Program.

The SLA argued that the issue before the arbitration panel was not arbitrable since the policies and procedures of the Business Enterprises Program only allow for review of "actions arising from the operation or administration of a vending facility." However, it was the opinion of the majority of the panel that the complainant's argument was persuasive. The Act, in 20 U.S.C. 107b-1, states that the Committee of Blind Vendors shall participate with the Vocational Rehabilitation Agency regarding administrative decisions, policies, and program development decisions affecting the overall administration of the State Vending Facility Program.

The panel concluded that the actions of the Committee of Blind Vendors indeed had an impact on the operation and administration of all vending facilities, and, therefore, the issue was reviewable by the panel.

The panel found that the policies and procedures of the Business Enterprise Program, specifically the section on elections, covered the issue before the panel. The section on elections states, "[I]f no candidate receives a majority of the votes, a run-off between the two highest vote getters will be held." The SLA interpreted this to mean that only one run-off election had to be held, and in the event of a tie in the run-off election, an entirely new election was appropriate. The panel did not concur with the SLA's interpretation of this language. The panel stated that the common sense meaning of the term "run-off" is not necessarily a singular act, but implies the act of breaking a tie regardless of the number of times necessary to achieve that goal.